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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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EXAMINER

ABRISHAMKAR, KAVEH

ART UNIT	PAPER NUMBER
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2131

DATE MAILED: 09/12/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/902,683

Applicant(s)

OULD-BRAHIM ET AL.

Examiner

Kaveh Abrishamkar

Art Unit

2131

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 09 June 2005.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-21 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-21 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- ☒ Notice of References Cited (PTO-892)
- ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____
- ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date _____
- ☐ Notice of Informal Patent Application (PTO-152)
- ☐ Other: _____

DETAILED ACTION

Response to Amendment

1. This action is in response to the amendment filed on June 9, 2005. Claims 1-21 were originally received for consideration. Per the received amendment, claims 10-18 were amended. Claims 1-21 are currently being considered.

Response to Arguments

2. Applicant's arguments with respect to claims 1-21 have been considered but are moot in view of the new ground(s) of rejection.

Claim Rejections - 35 USC § 102

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

3. Claims 1-6, 10-16 and 19-20 are rejected under 35 U.S.C. 102(e) as being anticipated by Jamieson et al. (U.S. Patent No. 6,813,644).

Regarding claim 1, Jamieson discloses:

A Border Gateway Protocol Speaker (BGP Speaker), in a communication system which implements at least one network based Virtual Private Network (NB-VPN) across a backbone, the at least one NB-VPN using an Open System Interconnect (OSI) layer-2 protocol and an OSI layer-3 protocol, at least one NB-VPN using an OSI layer-2 protocol different from an OSI layer-2 protocol used by the backbone or using an OSI layer-3 protocol different from an OSI layer-3 protocol used by the backbone, the BGP speaker transmitting an Update message being in conformance with a Border Gateway Protocol (BGP), and the Update message further including:

"Virtual Private Network (VPN) Membership Information" (column 3 lines 55-60), wherein the VPN Membership information is disclosed by "including a VPN identifier identifying a particular VPN"

"a VPN Reachability Mode field" (Figure 3, column 3 lines 55-65, column 4 lines 36-40), wherein the VPN reachability information can include

"VPN Reachability information" (Figure 3, column 3 lines 55-65, column 4 lines 36-40);

"tunnel mechanism information" (column 7 lines 16-22), wherein the nodes require VPN reachability information to establish MPLS tunnels corresponding to VPN connections.

Claim 2 is rejected as applied above in rejecting claim 1. Furthermore, Jamieson discloses:

The BGP Speaker of claim 1 wherein the VPN Membership information includes:

"at least one VPN Identification (VPN-ID) field" (column 9 lines 35-37), wherein the VPN identifiers field is variable; and

"a Number of VPN-IDs field" (column 9 lines 35-37), wherein the VPN identifiers field is variable.

Claim 3 is rejected as applied above in rejecting claim 1. Furthermore, Jamieson discloses:

The BGP Speaker of claim 1 wherein the VPN Reachability information includes zero or more VPN Reachability Entries (Figure 3, column 3 lines 55-65, column 4 lines 36-40).

Claim 4 is rejected as applied above in rejecting claim 3. Furthermore, Jamieson discloses:

The BGP Speaker of claim 3 wherein a VPN Reachability Entry includes:

"a VPN Reachability Type field" (Figure 3, column 3 lines 55-65, column 4 lines 36-40);

"a Length field" (column 9 lines 35-37); and

"a VPN Reachability Value field" (Figure 3, column 3 lines 55-65, column 4 lines 36-40).

Claim 5 is rejected as applied above in rejecting claim 1. Furthermore, Jamieson discloses:

The BGP Speaker of claim 1 wherein the Tunnel Mechanism information includes "one or more Tunnel Entries" (column 7 lines 16-22).

Claim 6 is rejected as applied above in rejecting claim 5. Furthermore, Jamieson discloses:

The BGP Speaker of claim 5 wherein a VPN Tunnel Entry includes:

"a Tunnel Type field (column 7 lines 16-22)"

"a Length field (column 9 lines 35-37)"

"a Tunnel Value field (column 7 lines 16-22)."

4. Claims 10-16 are claims directed to a "data format embodied in a transmission medium" analogous to the BGP Speaker claims rejected above, and therefore, are rejected using the same reasoning.

5. Claim 19 is a claim directed to a "virtual router" analogous to the BGP speaker claims rejected above, and therefore, are rejected using the same reasoning.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the

invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

6. Claims 7-8, 16-17 and 20-21 rejected under 35 U.S.C. 103(a) as being unpatentable over Jamieson et al. (U.S. Patent No. 6,813,644) in view of Bates et al. (RFC 2283: "Multiprotocol Extensions for BGP-4").

Claim 7 is rejected as applied above in rejecting claim 1. Furthermore, Jamieson discloses the BGP Speaker of claim 1. Jamieson does not explicitly disclose the Update message including a "unique Subsequent Address Family Identifier (SAFI) value" indicating that the Update Message "includes the "VPN Private Network (VPN) Membership information", "VPN Reachability information" and "Tunnel Mechanism information." Bates discloses a "unique Subsequent Address Family Identifier (SAFI) value." Bates discloses a variable length BGP "Network Layer Reachability Information" field, which can be used to send the VPN information in the update message (page 2, paragraphs 1-3). Bates further discloses the SAFI field (page 2, paragraphs 1-3), which provides additional information about the type of Network Layer Reachability information carried in the BGP message. Therefore, it would have been obvious that this field could indicate what fields are contained in the message by specifying a specific value. Therefore it would have been obvious to one of ordinary skill in the art at the time the invention was made to use the SAFI field of Bates in conjunction with Jamieson, as stated by Bates, to provide additional information about the type of Network Layer Reachability information carried in that attribute so that the message could be processed.

Claim 8 is rejected as applied above in rejecting claim 7. Jamieson does not explicitly disclose that the "unique SAFI value is 129." Bates discloses that the unique SAFI value for vendor-specific applications is between 128-255, which contains the unique value of 129. Therefore, it would have been obvious to use the unique SAFI value of 129 for a vendor-specific application.

7. Claims 16-17 are claims directed to a "data format embodied in a transmission medium" analogous to the BGP Speaker claims rejected above, and therefore, are rejected using the same reasoning.

8. Claims 20-21 are claims directed to a "virtual router" analogous to the BGP speaker claims rejected above, and therefore, are rejected using the same reasoning.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Kaveh Abrishamkar whose telephone number is 571-272-3786. The examiner can normally be reached on Monday thru Friday 8-5.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Ayaz Sheikh can be reached on 571-272-3795. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

KA
09/06/2005

Cel
Primary Examiner
AU2131
9/6/05